

REMARKS

In an Official Action dated August 18, 2005, the Examiner indicated that claims 4, 8-13, 23 and 24 are allowable over the prior art. However, claims 1-3, 5-7, 14-22 and 25 were rejected as being anticipated by Merchant 6,616,696 or Saleh 3,816,855. Applicant requests that the Examiner reconsider the rejection of claims 1-3, 5-7, 14-22 and 25 and favorably consider newly presented claims 50-69 in light of the following discussion.

The prior art references cited by the Examiner relate to total knee replacement prosthetic devices. The devices are intended to replace the bearing surface between the patella and the femur and the bearing surface between the femur and the tibia. Specifically, the devices are intended to overlie the medial and lateral condylar surfaces of the femur (See Saleh '855 col. 3 lines 43-57). In addition, the device overlies the trough on the femur that guides the patella—also referred to as the trochlear groove. (See Saleh '855 col. 3 lines 58-66).

In contrast to the Saleh and Merchant devices, Applicant's device is directed to an element that can be used in a partial knee replacement procedure. Specifically, the device can be used to replace the articulating surfaces between the patella and the femur without replacing the articular surfaces between the femur and the tibia. Prior art devices that were used in partial knee replacement procedures were limited to replacing the articulating surface between the trochlear groove and the patella. However, Applicant's device comprises elements that extend away from the trochlear groove portion to overlie a portion of the intercondylar notch, which is the notch on the end of the femur between the medial and lateral condyles.

For instance, referring to Fig.4, Applicant's device includes medial and lateral extensions 77, 78. Configured in this way, Applicant's device can be used to repair the surfaces that are used during deep knee flexion (e.g. beyond 90°). At the same time,

Applicant's device does not extend onto the condylar surfaces so that the device can be used in a partial knee replacement to replace the wear surfaces between the patella and the femur without replacing the wear surfaces between the femur and the tibia.

Referring now to the claims, claim 1 recites a prosthesis having
an intercondylar notch portion intersecting the trochlear groove portion, wherein the intercondylar notch portion is configured to overlie a portion of the intercondylar notch without substantially extending onto the lateral or medial condyle. Nothing in Merchant or Saleh teaches or suggests a device having an intercondylar portion that overlies the intercondylar notch without overlying the condyles. To the contrary, as discussed above, the Merchant and Saleh devices are specifically designed to replace all of the articular surfaces including both the medial and lateral condyles. Accordingly, Applicant requests that the Examiner reconsider the rejection of claim 1 and dependent claims 2,3 and 5 over Saleh and Merchant.

Referring to claim 6, a prosthesis is claimed that comprises:

a second portion configured to cover a portion of the intercondylar notch on the distal end of the femur, the second portion comprising:

first and second wings that flare outwardly from the distal end of the first portion, wherein the first wing extends transverse the first portion laterally and posteriorly of the first portion, and the second wing extends transverse the first portion medially and posteriorly of the first portion;

wherein an outer edge of one of the wings is configured to terminate on an outer surface of the intercondylar notch so that the wing does not substantially extend onto a distal surface of a condyle of the femur.

Nothing in Saleh or Merchant teaches or suggests a device having such features. For instance, the references nether teach nor suggest prosthesis having an intercondylar notch portion configured to terminate on an outer surface of the intercondylar notch so

that the wing does not substantially extend onto a distal surface of a condyle of the femur. Accordingly, Applicant requests that the Examiner reconsider the rejection of claim 6 and dependent claim 7 over Saleh and Merchant.

Referring now to claim 14, a prosthesis is claimed that comprises: medial extension and lateral extension configured to extend along the intercondylar notch, wherein either the medial extension or the lateral extension is configured to terminate along the intercondylar notch so that the medial or lateral extension provides an articulation surface cooperable with the patellar prosthesis without providing an femoral-tibial articulation surface between the femur and the tibia. In contrast to claim 14, both the Merchant and Saleh device teach total knee replacement devices that include articulating surfaces between the patella and the femur and between the femur and the tibia. Therefore, Merchant and Saleh teach away from the features in claim 14. Accordingly, Applicant requests that the Examiner reconsider the rejection of claim 14 and dependent claims 15-22 and 25.

Additionally, Applicant requests that the Examiner favorably consider newly presented claims 50-69. The prior art references neither teach nor suggest the features recited in independent claims 50 and 61. For instance, claim 50 recites a prosthesis comprising a body configured to overlie a portion of the trochlear groove of the femur, and an intercondylar notch portion connected with the body portion, wherein the intercondylar notch portion has outer edges that terminate so that the intercondylar notch portion is configured to overlie at least a portion of the intercondylar notch without substantially extending over an articular surface of a condyle. The prior art of record does not teach or suggest a prosthesis having such features.

Referring to claim 61, the claim recites a prosthesis having a first portion configured to cover a portion of the length of the trochlear groove, and a second portion configured to cover a portion of the intercondylar notch. Additionally, claim 61 recites

that the second portion comprises first and second extensions that flare outwardly from the first portion and wherein the first portion tapers inwardly from a medial and lateral direction to form a narrow waist adjacent the intersection of the first and second portions. The prior art of record does not teach or suggest a prosthesis having such features.

In light of the foregoing, Applicant believes that this application is in form for allowance. The Examiner is encouraged to contact Applicant's undersigned attorney if the Examiner believes that issues remain that would prevent the Examiner from examining the claims.

Respectfully submitted,

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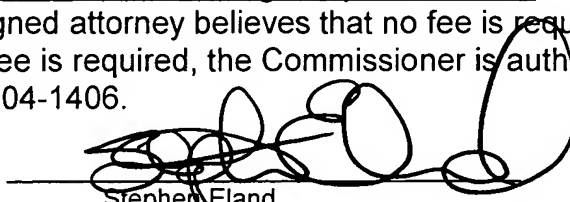
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Authorization to Charge Deposit Account

Applicant's undersigned attorney believes that no fee is required for this response. In the event a fee is required, the Commissioner is authorized to charge the fee to deposit account no. 04-1406.

November 3, 2005

Date of Certificate


Stephen Eland